IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1234 OF 2006
IN
APPEAL NO. 204 OF 1997
IN
NOTICE OF MOTION NO. 42 OF 1996
IN
SUIT NO. 3658 OF 1995

1. Ramavtar Surajmal Modi & Anr.] .. Appellants (Ori.Def.1 & 5)

Versus

1. Banarasibai M. Modi & 4 ors.] .. Respondents (Ori.Pltff. & Def Nos.2 to 4 & 6)

Mr. H.J. Thakkar with Mr. R.D. Suvarna for the appellant/applicant.

Mr. A.D. Kango for the respondents.

CORAM: R.M. LODHA, &
J.H. BHATIA, JJ.

DATED: 10TH NOVEMBER, 2006

P.C. :

. At the outset, the counsel for the applicants handed in the draft amendment to the Chamber Summons marked "X" for identification purposes.

2. The counsel for the respondents has no objection if amendment to the Chamber Summons is granted.

3. We, accordingly, grant leave to the applicants to amend the prayers in the Chamber Summons as proposed. Amendments to be carried out immediately.

4. The counsel for the respondents has no objection as well if Chamber Summons is granted in terms of prayer clauses (a), (b) and (c).

5. Chamber Summons is accordingly made absolute in terms of prayer clauses (a), (b) and (c). Prayer clauses (a), (b) and (c) read thus:

> "(a) Abatement of Appeal as against Original Respondent No.1 be set aside;
>
> (b) Delay in taking out this Chamber Summons be condoned;
>
> (c) The heirs of Original Respondent No.1 as listed in Annexure "A" to this Chamber Summons, be joined as party Respondent Nos.1(A) to 1(I) to the Appeal.

6. Necessary amendment to be carried out in the Appeal within two weeks from today.

. Chamber Summons stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[J.H. BHATIA, J.]